

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 506 be amended to read as follows:

- 1           Page 1, delete lines 1 through 15, begin a new paragraph and insert:  
2           "SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. "Executive" means:  
4           (1) **for a county before January 1, 2013:**  
5                **(A) the** board of county commissioners for a county not having  
6                a consolidated city; **and**  
7                **(B) the mayor of the consolidated city, for a county having**  
8                **a consolidated city;**  
9           (2) **for a county after December 31, 2012:**  
10           **(A) the:**  
11                **(i) board of county commissioners;**  
12                **(ii) chief executive officer elected under IC 36-2-2.5;**  
13                **(iii) the board of county supervisors elected under**  
14                **IC 36-2-3.8; or**  
15                **(iv) the executive specified in a reorganization plan**  
16                **under IC 36-1.5-8;**  
17                **as approved by the voters of the county in a public**  
18                **question under IC 36-2-3.9; and**  
19                **(B) the** mayor of the consolidated city, for a county having a  
20                consolidated city;  
21           (3) **the** mayor, for a city;  
22           (4) **the** president of the town council, for a town; or  
23           (5) **a** trustee, for a township.  
24           SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS  
25           [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a)** A candidate for the office  
26           of county commissioner must:  
27                (1) have resided in the county for at least one (1) year before the  
28                election, as provided in Article 6, Section 4 of the Constitution of  
29                the State of Indiana; and  
30                (2) have resided in the district in which seeking election, if  
31                applicable, for at least six (6) months before the election.

(b) This subsection applies to elections after 2011 in a county in which a county chief executive officer is elected under IC 36-2-2.5 or a county executive is elected under a reorganization plan under IC 36-1.5-8. A candidate for the office of county chief executive officer or for the office of a county executive elected under a reorganization plan under IC 36-1.5-8 must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana."

Page 2, delete lines 1 through 21.

Page 4, line 13, after "a county" insert "in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners."

Page 4, delete lines 14 through 19, begin a new line double block indented and insert:

**"(I) For elections in 2012 and thereafter, a single elected county chief executive officer shall be elected only in a county in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a single elected county chief executive officer."**

Page 4, line 20, delete "(in a county subject to" and insert ". However, for elections in 2012 and thereafter, a county council member shall be elected only in a county in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county council."

Page 4, delete lines 21 through 23, begin a new line double block indented and insert:

**"(K) For elections in 2012 and thereafter, a board of county supervisors shall be elected only in a county in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county supervisors. (L) For elections in 2012 and thereafter, a county executive, legislative, or fiscal body member shall be elected as required under a county's reorganization plan under IC 36-1.5-8 in a county in which a reorganization plan has been approved by the voters of the county in the most recent public question under IC 36-2-3.9."**

Page 5, line 42, delete "having" and insert "in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners."

Page 6, delete lines 1 through 6, begin a new line block indented and insert:

**"(10) For elections in 2012 and thereafter, a single elected county chief executive officer shall be elected only in a county**

1           in which the voters of the county have in the most recent  
2           public question under IC 36-2-3.9 approved a county  
3           government structure with a single elected county chief  
4           executive officer."

5           Page 6, line 7, delete "(in a county subject to" and insert ".  
6           However, for elections in 2012 and thereafter, a county council  
7           member shall be elected only in a county in which the voters of the  
8           county have in the most recent public question under IC 36-2-3.9  
9           approved a county government structure with a county council."

10          Page 6, delete lines 8 through 10, begin a new line block indented  
11          and insert:

12           "(12) For elections in 2012 and thereafter, a board of county  
13           supervisors shall be elected only in a county in which the  
14           voters of the county have in the most recent public question  
15           under IC 36-2-3.9 approved a county government structure  
16           with a board of county supervisors.

17           (13) For elections in 2012 and thereafter, a county executive,  
18           legislative, or fiscal body member shall be elected as required  
19           under a county's reorganization plan under IC 36-1.5-8 in a  
20           county in which a reorganization plan has been approved by  
21           the voters of the county in the most recent public question  
22           under IC 36-2-3.9."

23          Page 6, line 11, delete "(13)" and insert "(14)".

24          Page 6, line 12, delete "(14)" and insert "(15)".

25          Page 6, line 13, delete "(15)" and insert "(16)".

26          Page 6, line 15, delete "(16)" and insert "(17)".

27          Page 6, line 16, delete "(17)" and insert "(18)".

28          Page 7, line 15, after "a county" insert "in which the voters of the  
29          county have in the most recent public question under IC 36-2-3.9  
30          approved a county government structure with a board of county  
31          commissioners."

32          Page 7, delete lines 16 through 21, begin a new line double block  
33          indented and insert:

34           "(I) For elections in 2012 and thereafter, a single elected  
35           county chief executive officer shall be elected only in a  
36           county in which the voters of the county have in the most  
37           recent public question under IC 36-2-3.9 approved a  
38           county government structure with a single elected county  
39           chief executive officer."

40          Page 7, line 22, delete "(in a county subject to" and insert ".  
41          However, for elections in 2012 and thereafter, a county council  
42          member shall be elected only in a county in which the voters of the  
43          county have in the most recent public question under IC 36-2-3.9  
44          approved a county government structure with a county council."

45          Page 7, delete lines 23 through 25, begin a new line double block  
46          indented and insert:

47           "(K) For elections in 2012 and thereafter, a board of

county supervisors shall be elected only in a county in which the voters of the county have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county supervisors. (L) For elections in 2012 and thereafter, a county executive, legislative, or fiscal body member shall be elected as required under a county's reorganization plan under IC 36-1.5-8 in a county in which a reorganization plan has been approved by the voters of the county in the most recent public question under IC 36-2-3.9."

Page 9, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-11-2-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 74. "Executive" means the following:

(1) **Before January 1, 2013, the** board of commissioners of a county not having a consolidated city.

(2) **After December 31, 2012:**

(A) the:

(i) board of county commissioners;

(ii) chief executive officer elected under IC 36-2-2.5;

(iii) the board of county supervisors elected under IC 36-2-3.8; or

(iv) the executive specified in a reorganization plan under IC 36-1.5-8;

as approved by the voters of the county in a public question under IC 36-2-3.9; and

~~(2) (B) the~~ mayor of the consolidated city, for a county having a consolidated city.

(3) **The** mayor of a city. ~~or~~

(4) **The** president of the town council of a town."

Page 10, delete lines 1 through 8.

Page 10, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 13. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. "Executive" means the following:

(1) **Before January 1, 2013, the** board of commissioners for a county not having a consolidated city.

(2) **After December 31, 2012:**

(A) the:

(i) board of county commissioners;

(ii) chief executive officer elected under IC 36-2-2.5;

(iii) board of county supervisors elected under IC 36-2-3.8; or

(iv) executive specified in a reorganization plan under IC 36-1.5-8;

as approved by the voters of the county in a public question under IC 36-2-3.9; and

~~(2)~~ **(B)** the mayor of the consolidated city, for a county having a consolidated city.

(3) **The** mayor, for a city;

(4) **The** president of the town council, for a town;

(5) **The** trustee, for a township;

(6) **The** superintendent, for a school corporation; or

(7) **The** chief executive officer, for any other political subdivision.

SECTION 14. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. "Legislative body" means the **following**:

(1) **Before January 1, 2013:**

(A) **the** board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1; **or**

~~(2)~~ **(B)** the county council, for a county subject to IC 36-2-3.5.

(2) **After December 31, 2012:**

(A) **the:**

(i) **board of county commissioners, in a county not subject to IC 36-2-3.5;**

(ii) **county council, in a county subject to IC 36-2-3.5 or in a county that has a single elected county executive;**

(iii) **the board of county supervisors elected under IC 36-2-3.8;**

**or**

(iv) **the legislative body specified in a reorganization plan under IC 36-1.5-8;**

as approved by the voters of the county in a public question under IC 36-2-3.9; and

~~(3)~~ **(B)** the city-county council, for a consolidated city or county having a consolidated city.

~~(4)~~ **(3)** **The** common council, for a city other than a consolidated city.

~~(5)~~ **(4)** **The** town council, for a town.

~~(6)~~ **(5)** **The** township board, for a township.

~~(7)~~ **(6)** **The** governing body of any other political subdivision that has a governing body. **or**

~~(8)~~ **(7)** **The** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 15. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

- (1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;
- (2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or
- (3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

(1) In a municipality, by the legislative body of the municipality.

(2) **By the following, for county ordinances adopted before January 1, 2013:**

(A) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the legislative body of the county.

~~(3)~~ (B) In any other county, by the executive of the county.

(3) **By the following, for county ordinances adopted after December 31, 2012:**

(A) **The board of county commissioners in a county not subject to IC 36-2-3.5 and in which the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners.**

(B) **The legislative body of the county, for any county not described in clause (A).**

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township."

Delete page 11.

Page 12, delete lines 1 through 4.

Page 21, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 33. IC 36-1.5-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 8. Reorganization Plan to Be Voted on by County Voters**

**Sec. 1. In addition to the reorganization allowed under the other chapters of this article, a county legislative body may adopt a plan to reorganize the executive, legislative, and fiscal bodies of the county.**

**Sec. 2. A reorganization plan under this chapter must specify the individual or group of individuals who will, if approved by the voters of the county in a public question under IC 36-2-3.9, assume and carry out the executive, legislative, and fiscal duties and powers of the county.**

**Sec. 3. If a reorganization plan under this chapter is approved by the voters of the county in a public question under IC 36-2-3.9, the reorganization plan takes effect after December 31 of the year that is two (2) years after the year in which the voters of the county approve the reorganization plan."**

Page 21, line 38, delete "having a population of more than four hundred thousand" and insert **"in which the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners."**

Page 21, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 34. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 2.4. Determination of Options to Be Voted on by County Voters**

**Sec. 1. This chapter applies only to a county not having a consolidated city.**

**Sec. 2. After October 31, 2009, and before November 15, 2009, the county legislative body of each county subject to this chapter shall after a public hearing adopt a resolution specifying the options for county government structure that shall be voted on in a public question under IC 36-2-3.9. The legislative body shall choose one (1) of the two (2) following groups of options to be voted on in the public question:**

**(1) A choice for county voters among:**

**(A) electing a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county;**

**(B) electing a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county; or**

**(C) retaining the existing structure of county government.**

**(2) A choice for county voters among:**

**(A) one (1) of either:**

**(i) electing a single county chief executive officer under IC 36-2-2.5 who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county; or**

**(ii) electing a board of county supervisors under IC 36-2-3.8 that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county;**

**as specified by the county legislative body;**

**(B) retaining the existing structure of county government; or**

**(C) having a county executive, legislative body, and fiscal body structured as proposed in a plan submitted by the county legislative body under IC 36-1.5-8."**

Page 22, delete lines 1 through 21.

Page 22, line 26, delete "(a)".

Page 22, line 29, delete ":" and insert **"the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county chief executive officer."**

Page 22, delete lines 30 through 38.

Page 29, line 20, after "or" insert **"after December 31, 2012, the county executive (in a county that has a board of county commissioners) or"**.

Page 29, line 21, delete "(after December 31, 2012)" and insert **"(in a county that does not have a board of county commissioners)"**.

Page 29, line 24, after "or" insert **"after December 31, 2012, the county executive (in a county that has a board of county commissioners) or"**.

Page 29, line 25, delete "(after December 31, 2012)" and insert **"(in a county that does not have a board of county commissioners)"**.

Page 30, line 18, after "to" insert **"a"**.

Page 31, line 4, after "a" insert **"county described in subsection (a) in which the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a board of county commissioners."**

Page 31, delete lines 5 through 6.

Page 31, line 11, delete "(a)".

Page 31, delete lines 14 through 16.

Page 33, line 1, delete "(a)".

Page 33, line 4, delete ":" and insert **"the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county chief executive officer and a county council as the legislative body and fiscal body of the county."**

Page 33, delete lines 5 through 13.

Page 34, line 14, delete "(a)".

Page 34, line 17, delete ":" and insert **"the voters have in the most recent public question under IC 36-2-3.9 approved a county government structure with a county board of supervisors as the executive body, legislative body, and fiscal body of the county."**

Page 34, delete lines 18 through 26.

Page 37, line 11, delete "(a)".

Page 37, line 11, delete "the following:".

Page 37, line 12, delete "(1) A" and insert **"a"**.

Page 37, run in lines 11 through 12.

Page 37, delete lines 13 through 36, begin a new paragraph and insert:"

**Sec. 2. In a county to which this chapter applies, the choices concerning county government structure, as determined by the county legislative body under IC 36-2-2.4, shall be placed on the ballot at 2010 general election held in the county."**

Page 37, line 37, delete "Sec. 4." and insert **"Sec. 3."**

Page 37, delete lines 39 through 42, begin a new paragraph and



1 insert:

2 **"Sec. 4. (a) If a plurality of the voters who vote on the public**  
 3 **question vote in favor of reorganizing county government to place**  
 4 **executive powers in a single elected county executive and to place**  
 5 **legislative powers in the county council (if that choice is on the**  
 6 **ballot), IC 36-2-2.5 applies to the county.**

7 **(b) If a plurality of the voters who vote on the public question**  
 8 **vote in favor of reorganizing county government to place executive,**  
 9 **legislative, and fiscal powers in a board of county supervisors, and**  
 10 **to not have a separate elected county executive (if that choice is on**  
 11 **the ballot), IC 36-2-3.8 applies to the county.**

12 **(c) If a plurality of the voters who vote on the public question**  
 13 **vote in favor of retaining the county's current structure of**  
 14 **government, that current structure shall be retained.**

15 **(d) If a plurality of the voters who vote on the public question**  
 16 **vote in favor of reorganizing the county's government as specified**  
 17 **in a reorganization plan under IC 36-1.5-8 (if that choice is on the**  
 18 **ballot), the county's executive, legislative, and fiscal powers are**  
 19 **reorganized as specified in the reorganization plan.**

20 **Sec. 5. (a) Except as provided in subsection (d), after the initial**  
 21 **public question in 2010, an additional public question on the**  
 22 **structure of county government shall be held in each county every**  
 23 **twenty (20) years thereafter.**

24 **(b) At an additional public question held under this section, the**  
 25 **voters of the county shall determine the structure of county**  
 26 **government for the following twenty (20) years.**

27 **(c) At an additional public question held under this section, the**  
 28 **voters of the county shall vote on the following choices:**

29 **(1) A choice to retain the existing structure of county**  
 30 **government.**

31 **(2) A choice to change to a different structure of government**  
 32 **authorized under IC 36-2-2.4.**

33 **(d) An additional public question is not required to be held**  
 34 **under this section if, at least one (1) year before the public question**  
 35 **would otherwise be held, a petition that:**

36 **(1) is signed by at least twenty-five percent (25%) of the**  
 37 **eligible voters of the county; and**

38 **(2) requests that the public question not be held;**  
 39 **is submitted to the county executive. "**

40 Page 38, delete lines 1 through 6.

41 Page 40, line 1, delete "a population of more than four" insert **"a**  
 42 **board of county commissioners,".**

43 Page 40, delete line 2.

44 Page 40, line 3, delete "thousand (700,000),".

45 Renumber all SECTIONS consecutively.

(Reference is to SB 506 as printed February 6, 2009.)

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Senator YOUNG R MICHAEL